

**Amendments to the Drawings:**

The attached Replacement Sheets of drawings include changes to Fig. 1, Fig. 3, Fig. 12, Fig. 55C and Fig. 60. These Replacement Sheets replace the sheets including Fig. 1, Fig. 3, Fig. 12, Fig. 55C and Fig. 60 mailed with the formal drawings submitted on May 4, 2004.

Attachment: Replacement Sheets

## REMARKS

This Response is to the non-final Office Action dated April 3, 2008. The specification has been amended; claims 1, 7 to 10, 13, 20, 26, 28, 30, 31, 37, 39 to 41, 48 and 53 have been amended; and replacement sheets have been submitted for Fig. 1, Fig. 3, Fig. 12, Fig. 55C and Fig. 60. No new matter was added by these amendments. Claims 15 and 16 have been cancelled without prejudice or disclaimer. Applicants submit herewith a Petition for One Month Extension of Time. Please charge Deposit Account No. 02-1818 for the Petition for One Month Extension of Time and any other amount due.

In the Office Action, the drawings were objected to as failing to comply with 37 CFR 1.84(p)(4) because certain reference characters as identified on page 2 of the Office Action were objected to as being allegedly used to identify the same component; the drawings were objected to as failing to comply with 37 CFR 1.84(p)(4) because certain reference characters as identified on page 2 of the Office Action were allegedly used to identify more than one component of the application; the drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because they allegedly do not include the reference characters identified on page 3 of the Office Action; the drawings were objected to under 37 CFR 1.84(p)(5) because they allegedly include reference characters as identified on page 3 of the Office Action which are not included in the specification; and the specification was objected to because certain reference characters throughout the specification are allegedly not associated with the figures. Applicants respectfully submit that the foregoing objections have been overcome by virtue of the amendments to the specification and figures made herein and in view of the following explanations.

Regarding the objection to reference character 124 in Fig. 1, Applicants respectfully submit that reference character 124 on page 33 does not refer to Container, but rather, refers to Medication.

Regarding the objection to reference character 3100 in Fig. 15, Applicants respectfully refer the Examiner to the amendment to the specification on page 23 of the May 6, 2004, Preliminary Amendment.

Regarding the objection to reference character 130, Applicants respectfully submit that reference character 130 is mentioned in the description on page 33.

Regarding the objection to reference character 314, Applicants respectfully submit that reference character 314 is mentioned in the description on page 39.

Regarding the objection to reference character 524, Applicants respectfully submit that reference character 524 is mentioned in the description on page 48.

Regarding the objection to reference character 310, Applicants respectfully submit that reference character 310 is mentioned in the description on page 39.

Regarding the objection to reference character 560f, Applicants respectfully submit that reference character 560f is mentioned in the description on page 53.

Regarding the objection to reference character 1012e, Applicants respectfully submit that reference character 1012e is mentioned in the description on page 63.

Regarding the objection to reference character 1570, Applicants respectfully submit that reference character 1570 is mentioned in the description on page 90.

Regarding the objection to reference character 1872, Applicants respectfully submit that the drawings do not contain reference character 1872. However, Applicants respectfully submit that reference character 1882 is mentioned in the description on page 88.

Regarding the objection to reference character 1878, Applicants respectfully submit that reference character 1878 is mentioned in the description on page 88.

Regarding the objection to reference character 5586, Applicants respectfully submit that reference character 5586 is mentioned in the description on page 97 and also in Fig. 55C.

Regarding the objection to the title of "Figure 55B," Applicants respectfully submit that Fig. 55B is addressed in the description as part of "FIGURE 55A – FIGURE 62" on page 91 of the description.

Further, in the Office Action, claims 1 to 36 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because claim 1 is allegedly directed to both an apparatus and the method steps of using the apparatus; claims 1 to 36 were rejected under 35 U.S.C. § 101 because the claims are allegedly directed neither a "process" nor "machine," but rather overlap two different statutory classes of invention; claims 53 to 58 were rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,364,834 issued to Reuss et al. ("*Reuss*"); and claims 1 to 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Reuss* in view

of U.S. Patent No. 6,057,758 issued to Dempsey (“*Dempsey*”). Applicants respectfully traverse these rejections in light of the claims as presented.

Regarding the rejection of claims 53 to 58, amended claim 53 includes a medical device having an alarm/alert module that identifies the existence of at least one of an alarm or alert condition; a processor having software that receives a signal from the alarm/alert module relating to the alarm or alert condition, the processor further having a timer module that sets a timer limit; a first clinician’s device having a receiver that receives an alarm or alert condition signal from the processor, the first clinician’s device further having a display to display text or an icon representative of the alarm/alert condition signal, and a speaker to provide an audible alarm or alert representative of the received alarm/alert condition signal; wherein the processor escalates the alarm or alert condition signal if no response to the alarm or alert condition signal is received from either an input device at the first clinician’s device or an input device at the medical device within the timer limit; and *wherein the processor: (i) escalates the alarm or alert condition signal if no response to the alarm or alert condition signal is received from either an input device at the first clinician’s device or an input device at the medical device within the timer limit, and (ii) simultaneously transmits the signal to a second clinician’s device.*

The Office Action referenced column 5, lines 56 to 59 of *Reuss*, the Office Action stating: “*Reuss* discloses a system which contacts a secondary physician or health care provider if the primary physician has not responded to the alarm in a predetermined time.” (Office Action, page 5). This caption of *Reuss* states: “[i]f a response is not received within a preselected time period, or if the response is negative, the message is sent to one or more secondary recipients.” *Reuss* does not disclose the signal sent to a first clinician’s device being simultaneously transmitted to a second clinician. Accordingly, Applicants respectfully submit claims 53 to 58 are patentable over *Reuss* and in condition for allowance.

Regarding the rejection of claims 1 to 52, similar to claim 53, in amended claim 1, escalating the signal includes transmitting the signal to a second clinician’s device and while maintaining the signal sent to the first clinician’s device. *Dempsey* does not remedy the deficiency of *Reuss* which was addressed with respect to claim 53.

Further, amended independent claim 37 includes *transmitting the signal relating to the alarm or alert condition to a second clinician’s device and elevating the signal sent to the first*

*clinician's device by use of a feature selected from the group consisting of: (a) a larger font, (b) a flashing display and (c) an enhanced audible alert.*

Neither *Reuss* nor *Dempsey* disclose a manner in which a signal is elevated on the first clinician's device after the signal is sent to the second clinician's device. For at least these reasons, Applicants respectfully submit that claims 1 to 52 are patentable over the combination of *Reuss* and *Dempsey* and in condition for allowance.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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